

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Application of

Palczewski, Krzysztof, et al.

Serial No.: 09/990,185

Filed: November 21, 2001

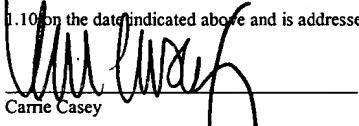
: Customer Number: 41552
 : Confirmation Number: 1224
 : Group Art Unit: 1635
 : Examiner: ANGELL, Jon E.

For: EXPRESSION OF POLYPEPTIDES IN ROD OUTER SEGMENT MEMBRANES

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

"Express Mail" Mailing Label Number EV 540 267 694 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Aug 23, 2004.


Carrie Casey

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Appeals from the decision dated February 23, 2004 of the Primary Examiner finally rejecting claims 1-27 and 30-36.

Appeal Fee: \$ 165.00

Charge to Deposit Account No. 502624.

Respectfully submitted,
 McDERMOTT WILL & EMERY LLP


 David A. Gay
 Registration No. 39,200

4370 La Jolla Village Drive, Suite 700
 San Diego, CA 92122
 858.535.9001 DAG:cec
 Facsimile: 858.597.1585
Date: August 23, 2004
 SDO 15808-1.066784.0013

08/25/2004 WARDERI 00000006 502624 09990105
 02 FT:2401 165.00 DA